

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

ARBEN KALLAMA,	)	
Petitioner,	)	
	)	
v.	)	Civil Action No. 04-10379-MEL
	)	
BRUCE CHADBOURNE,	)	
Respondent.	)	

MEMORANDUM AND ORDER

On February 26, 2004, petitioner Arben Kallam, a native and citizen of Albania now detained by the Bureau of Immigration and Custom Enforcement at the Suffolk County House of Corrections, filed, through counsel, a petition for a writ of habeas corpus under 28 U.S.C. § 2241 seeking to have this Court grant his request for habeas relief and stay his removal.

A Clerk of this Court contacted an attorney at the Bureau of Immigration and Customs Enforcement and confirmed that petitioner is scheduled for removal from this country on February 27, 2004.

Petitioner alleges his constitutional right to due process was violated and seeks a stay of removal. The First Circuit has articulated the applicable standard for evaluating requests for stays pending review of final orders of removal and stated that it is "the four-part algorithm used for preliminary injunctions." See Arevalo v. Ashcroft, 344 F. 3d 1 (1<sup>st</sup> Cir. 2003). Because petitioner faces irreparable harm absent the injunction, the Court will enter the following order.

Accordingly, it is hereby ORDERED that

1. A stay of removal is GRANTED to 5:00 p.m. March 8, 2004.
2. The Clerk shall serve a copy of the Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 upon the Office of the United States Attorney; Frank Crowley, Special Assistant United States Attorney; Bruce Chadbourne, Department of Immigration and Customs Enforcement; and Sheriff Andrea Cabral.
3. The Respondent shall file and serve an answer or other responsive pleading to the petition for writ of habeas corpus within seven (7) days of receipt of this Order.
4. The Clerk set this matter down for hearing and issue a separate Notice of Hearing.

SO ORDERED.

Dated at Boston, Massachusetts, this 26 day of Feb., 2004.



MORRIS E. LASKER  
UNITED STATES SENIOR DISTRICT JUDGE